

REMARKS

Reconsideration and allowance are respectfully requested.

Amendments in accordance with U.S. patent practice are made to the specification. No new matter is added. Approval and entry are requested.

Claims 29 and 32 stand rejected under 35 U.S.C. §102 for anticipation in view of Saidi. This rejection is respectfully traversed.

Saidi describes suppressing silence frames in a stream of media from a user. The suppressed silence frame includes an initial silence frame situated before a first media frame and/or a silence frame situated between two successive media frames.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991). Saidi does not satisfy this rigorous standard.

Claim 29 recites a processor for removing a silent period from speech data “following initiation of a push to talk session, but prior to receipt by the mobile terminal of a session acceptance from a receiving terminal.” The Examiner alleges that paragraphs 31 and 37 of Saidi disclose these features and equates the phrases “before the initial media activity” and “before the media is transmitted over the network” of paragraph 37 to the feature “following initiation of a push to talk session, but prior to receipt by the entity of a session acceptance from a receiving terminal.” Applicants respectfully disagree.

Paragraph 31 and Figure 4 of Saidi discloses that a caller device sends a request 402 to a server device for setting up a session. Paragraph 33 discloses that the call group server accepts the request 402 and sends a response 410 to the caller device, which sets up the session. The caller device then allows a user to talk. It is clear from paragraphs 33 and 37 of Saidi that silent frames in the speech data or media are suppressed by the caller device before the speech data or media is transmitted over the network or over the session which has been set up. Saidi therefore discloses removing the silent period after receipt of the session acceptance from a receiving terminal, rather than before (“prior to”) receipt of the session acceptance as recited in claim 29.

Claims 17-18, 20-21, and 25-27 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable based on Saidi in view of Harris. This rejection is respectfully traversed.

Claim 17 recites “following initiation of a push to talk session, but prior to receipt by the entity of a session acceptance from the or each participant, analysing the speech data to identify an initial period of silence; and removing an initial period of silence from the speech data prior to sending the speech data to a receiving terminal of the or each other participant.”

Saidi lacks analyzing the speech for an initial period of silence “prior to sending the speech data to a receiving terminal of the or each other participant,” for the reasons explained for claim 29. Paragraph 11 of Harris teaches that the participant at the receiving end (MS 102) is ready to listen the caller (MS 101) before the caller starts to speak. This means that communication between the participants at both ends has been established before the silent period is identified and suppressed. So there is no teaching in Harris that the identification of the silent period has taken place before receipt of a session acceptance from the participant at the receiving end, as recited in claim 17.

Claims 19, 22-23, and 28 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable based on Saidi in view of Harris and page 1, lines 10-32 of the instant application. This rejection is respectfully traversed.

Applicants have not and do not admit that page 1, lines 10-32 of the instant application is prior art. The burden is on the Examiner to identify a prior art reference to show the features recited in these claims. Nor does this text, even if it were admitted to be prior art, teach the features missing from Saidi and Harris as explained above.

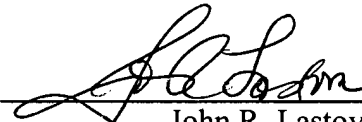
None of the applied references describe removing a silent period before receipt of the session acceptance.

The application is in condition for allowance. An early notice to that effect is requested.

Respectfully submitted,

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